

**Report of the Director of City Development**

**Report to: Development Plan Panel**

**Date: 7<sup>th</sup> August 2012**

**Subject: LDF Core Strategy – Publication Draft, Analysis of Consultation Responses: Implementation and Delivery**

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 type="checkbox"/> Yes	<input checked="" 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**

1. The Core Strategy Publication Draft was subject to 6 weeks public consultation during February to April 2012. Section 3 of this report summarises the issues raised and the Table in Appendix 1 suggests how the City Council should respond. Appendix 2 illustrates how the text of the Core Strategy would need to be altered.
2. Comments received have helped improve the document, and many representations gave general support to this Chapter. It is considered that there are no issues which are significant enough to justify major changes. The majority of comments warrant no changes, and a few issues warrant only minor changes to the supporting text in order to add clarity. A number of detailed changes were also requested to the Infrastructure Delivery Plan. The analysis and suggested changes are set out in Appendices 1 and 2.

**Recommendations**

Development Plan Panel is requested to:

- i) Note and comment on the contents of the report and the course of further action (as detailed in Appendix 1 to the report), for presentation to Executive Board.

## **1.0 Purpose of this Report**

- 1.1 Within the context of the Core Strategy Initial Report of Consultation (6<sup>th</sup> June), the purpose of this report is to review consultation responses in relation to the Implementation and Delivery chapter. Appendix 1 attached, summarises the representors, key issues raised, the City Council's view and proposed action.

## **2.0 Background Information**

- 2.1 Following Consideration by the Development Plan Panel and Executive Board, a 6 week period of public consultation has been undertaken, commencing on 28<sup>th</sup> February to 12<sup>th</sup> April 2012. Consistent with the LDF regulations, this is a targeted stage of consultation, with emphasis upon requesting responses in relation to the "soundness" of the plan. 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.

## **3.0 Main Issues**

### Infrastructure Delivery Plan

- 3.1 Infrastructure providers provided detailed comments on the Infrastructure Delivery Plan, primarily relating to updates on specific schemes identified in the Infrastructure Schedule, or schemes which have not yet been included. Some alterations to the descriptive text were also requested.
- It is proposed to incorporate all the requested changes. The IDP is a draft 'living' document and has always been intended to be updated prior to the Submission stage of the Core Strategy, based on the most up to date infrastructure information.

## Implementation and Delivery

- 3.2 Further evidence is needed that there will be enough funding to provide the necessary infrastructure.
- Although close working with partner infrastructure providers is underway and ongoing, specific funding can only be identified for a few years in advance due to the shorter planning timescales of the providers. National guidance identifies that this is an acceptable approach for the Core Strategy to take. The Site Allocations DPD will further develop the approach to ensure sufficient infrastructure provision in areas of growth. This will be aligned with the development of the Community Infrastructure Levy and investigation of the range of other funding mechanisms. The phasing strategy also means that the development will not all occur at once. Monitoring and review mechanisms for the Core Strategy and Site Allocations DPD will also help to identify funding streams.
- 3.3 Further emphasis is needed on the delivery mechanisms and timescales in order to actually deliver the Core Strategy policies. The implementation policy also needs to be more specific.
- It was considered useful and important to include an overall implementation and delivery policy which shows the Council has considered all the issues and intends to deliver the Core Strategy accordingly, but the list of mechanisms has to be generic as a mixture of all the measures will apply at different times in relation to different policies.
- 3.4 Policy ID1 should include reference to overall delivery through neighbourhood plans.
- Neighbourhood plans and community involvement are already referenced in the supporting text to this policy, and community involvement and production of further guidance are already within the policy itself. Importantly, further support for neighbourhood plans will be emphasised elsewhere in the Core Strategy (in relation to other comments made in this regard). However, consider that a reference to neighbourhood plans can be included within ID1.
- 3.5 The NHS commented that it is not clear what targets and indicators are being set to monitor impact on health improvements and to reduce health inequalities.
- The intention of suite of Core Strategy policies as a whole is to increase active travel and sustainable transport, but policies need targeted monitoring and it would be very difficult to measure exactly what affect individual policies would have on specific health aspects such as obesity. Will continue to undertake close working with health providers.
- 3.6 There should be further references to partnership working.
- Agree it is appropriate to include further references at appropriate points within the chapter.
- 3.7 It is also proposed to include within the Implementation and Delivery Chapter some additional text on 'Allowable Solutions'. This is not as a result of a specific representation but due to further clarity of guidance emerging at national level. Allowable solutions is a delivery mechanism which expands on the text in Policy EN1 (Climate Change - Carbon Dioxide reduction) which states that if it is not

practical to provide 10% of the energy needs of the development from low carbon energy, then it may be acceptable to provide an equivalent contribution towards an off-site low carbon scheme.

### Planning Obligations and Developer Contributions

- 3.8 The overall approach to developer contributions and the development of the Community Infrastructure Levy was welcomed by a number of respondents.
- 3.9 The Core Strategy should quote the proposed CIL rates and set out priorities for its spending, including the amount proposed to be given to local communities.
- The CIL is developed under different Regulations and through a separate consultation and examination process. The levy rates should not be included in the Core Strategy in order that they can be revised as necessary as economic conditions change. In addition, the evidence base is still being developed and so there is not yet an indication of the potential rates in Leeds. The detailed spending and governance arrangements are also still to be determined and are outside the remit of the Core Strategy (other than through this broad policy support).
- 3.10 Deliverability of the whole Core Strategy needs to be tested.
- This will be undertaken as part of the Community Infrastructure Levy Economic Viability Study, currently underway and expected to be completed by October.
- 3.11 The policy should take into account the need to consider economic viability, flexibility, and negotiation specifically in regards to developer contributions.
- The NPPF does now include reference to flexibility in this regard, so consider that the supporting text should be updated accordingly. However, it is not necessary to directly refer to it within the policy. This is primarily because viability will remain a material consideration for decision makers to balance against policy requirements in individual cases.
- 3.12 The examples of planning obligations should also refer to social contract clauses such as local labour and training agreements.
- Agree that should reference and reinforce these, as they are cross-referenced in the economy chapter as potential planning obligations.

## **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, 10<sup>th</sup> 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 the need to reflect 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 This report provides an overview of the issues raised about the Implementation and Delivery chapter. There are no issues which are considered significant enough to justify any major changes, and most issues warrant no changes at all. The remaining issues warrant only minor changes to the supporting text and updating the Infrastructure Delivery Plan.

## **6. Recommendations**

6.1 Development Plan Panel is requested to:

i) Endorse the analysis of the issues raised and any suggested Core Strategy text changes (as detailed in Appendices 1 and 2 to the report) for presentation to Executive Board for approval.

## **7. Background documents<sup>1</sup>**

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.

---

<sup>1</sup> 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 - Analysis of Consultation Responses

#### ID1 and ID2 and Infrastructure Delivery Plan

Representor	Representor Comments	LCC Initial Response	No change / Main change / Minor change
<b>Qu 65 IMPLEMENTATION AND DELIVERY - GENERAL</b>			
Andrew Hepworth (5864)	<ul style="list-style-type: none"> <li>-What are the requirements of providing supporting infrastructure?</li> <li>-Will the full cost of providing supporting infrastructure be met by developers?</li> <li>-If more housing is built in Morley, where do LCC propose any additional schools, nurseries, health centres and the like to be sited? Morley Academy is already over subscribed.</li> </ul>	<p>The IDP can inevitably only identify specific funding for a few years in advance due to the shorter timescales of partner infrastructure providers, and this is acceptable under national guidance. The CIL will help to pay for some of this infrastructure, and developments will also have to make sure site specific requirements are provided such as sewage, and (on larger sites) schools. Other funding sources and statutory requirements for service provision will remain as at present.</p> <p>The Site Allocations DPD will further develop the approach to ensure sufficient infrastructure provision in areas of growth. LCC has worked closely with infrastructure providers in developing the CS and IDP, and will continue to do so in working up further detailed allocations. Infrastructure sufficiency will also still remain a consideration at planning application stage.</p>	No change
Drighlington Parish Council (0136)	No clear evidence that enough funding could be found to provide the schools, health centres, dental practices, community buildings, roads and sewage which would be needed to support large amounts of new housing in Outer South West Leeds.		
Otley Town Partnership (via Directions Planning 5121)	The deliverability of the Core Strategy needs to be thoroughly tested, particularly in relation to the deliverability of housing allocations such as the extension to the East of Otley. Otherwise adoption may be delayed if objectors are able to prove there is reasonable doubt that certain allocations will be delivered.	The overall viability of the CS is being tested through the Community Infrastructure Levy Economic Viability Study (under tender June 2012). The deliverability of housing sites has been appraised through the Strategic Housing Land Availability Assessment which involved market testing by the SHLAA Partnership, and only those considered as deliverable have been included in the CS projections.	No change

<p>Renew (5105)</p>	<ul style="list-style-type: none"> <li>-Where actions are required to implement policy which is outside the direct control of LCC, an agreement should be put in place with the organisation to ensure the delivery of the policies. This should be transparent and with rigorous monitoring procedures for compliance. This will ensure all developments follow a consistent procedure in their approach to e.g. employment, training and education.</li> <li>-Agree strongly with emphasis on partnership working but paragraph on the Leeds Housing Investment Plan should emphasise the importance of partnership working to deliver housing growth and investment and combines effectively public and private sector investment.</li> <li>-Community Involvement - Does the SCI need to be reviewed and refreshed to take account of the provisions of the Localism Act and the issues involved in housing growth and development? i.e. what extent and depth of community consultation will be expected of developers, and what is meant by 'extensive community consultation and engagement' on neighbourhood planning?</li> <li>-Supporting Evidence - this could make reference to the requirement for local housing market and needs assessments.</li> <li>-Strongly support links between greenfield and brownfield development and look forward to supporting the investigation of how this could work in practice.</li> <li>-Monitoring - important that the CS can be flexible enough to meet future changes in housing market conditions, economic circumstances and changing consumer demand and preference.</li> <li>-Emphasis is required on the delivery mechanisms and timescales for implementation of the policies. There appears to be realistic timescales outlined in the IDP but not with the timescale of the actual strategy/policies. The introduction of a short, medium and long-term phased timescale approach would be acceptable.</li> </ul>	<ul style="list-style-type: none"> <li>-Approaches to employment, training, and education linked to developments would be ensured through Legal S106 Agreements as at present.</li> <li>-Agree that can include this additional wording to emphasise partnership working.</li> <li>-LCC is currently reviewing options to update the SCI. Neighbourhood planning is a new process with limited guidance on consultation requirements, but LCC fully intends to enable communities to undertake extensive consultation in each area.</li> <li>-Not considered to be necessary as already lists a few studies as examples.</li> <li>-Support welcomed.</li> <li>-Agree and consider CS contains sufficient flexibility to allow this.</li> <li>-It is considered that a timescale approach would not apply to most of the CS policies. Development management decisions, monitoring, and the ongoing development of the IDP are the mechanisms by which delivery can be measured and policies implemented.</li> </ul>	<p>Minor change – add wording re partnership working to 6.8.</p>
<p>Leeds, York and North York Chamber of Commerce (1736)</p>	<p>How the CS deals with development management and deliverability should be clearer. It is not acceptable to rely on SPDs as suggested in paragraph 6.4.</p>	<p>Paragraph 6.4 provides one example of the range of measures by which the CS will be implemented and delivered. SPDs would be produced as appropriate, alongside other documents as outlined in the paragraph, and would not be relied on for every further development of policy, or implementation.</p>	<p>No change</p>



**Qu 66 ID1 – IMPLEMENTATION AND DELIVERY MECHANISMS**

**Neighbourhood Plans**

Leeds Civic Trust (0062)	Support the commitment to community consultation but suggest there should be support for communities preparing Neighbourhood Plans. ID1 add “The Council will encourage the preparation of Neighbourhood Plans within the district to assist in the delivery of the CS.”	Neighbourhood Plans are referenced at 6.12 and 6.20, and Policy ID1 already contains a commitment to community involvement, and development of further guidance (which includes neighbourhood plans). Importantly, neighbourhood planning and the localism agenda will be further emphasised elsewhere at a more appropriate place in the CS (in relation to other comments received in this regard).  However, consider can include reference to neighbourhood plans within ID1.	Minor change – in ID1 change ‘community involvement’ to ‘working with communities including through neighbourhood planning’, plus additional text at 6.12.
Boston Spa Parish Council (0112), Barwick-in-Elmet & Scholes Nhood Dev Plan (5874)	Paragraph 6.20 - Neighbourhood planning regulations and national policy have now been confirmed which can and should allow LCC to react positively now as the uncertainty is removed. Insert in Policy ID1 “The Local Planning Authority will support Parishes and communities in time and resource to enable Neighbourhood Development Plans to be prepared which support the Implementation and Delivery Mechanisms policy.”		
Conservative Group (2950)	Insufficient emphasis on the localism agenda, the involvement of local communities, and the role that Neighbourhood Plans play in helping to deliver new development. More discussion needed about the importance of Parish Councils.		

**Further detail required**

Meadowside Holdings Ltd, The Hatfield Estate, The Bramham Park Estate, The Diocese of Ripon and Leeds, The Ledston Estate, Lady Elizabeth Hastings Estate Charity, AR Briggs and Co (via Carter Jonas 5681)	Some nine measures are set out through which the Council will seek to ensure that the CS is delivered. Concerned that the list is somewhat generic and fails to be specific on the matters and policies set out in the CS. Whilst not suggesting exhaustive coverage of this matter we would expect that the Council could tabulate what measures it anticipates using with what partners rather than the generic basket of measures listed.  Consider that the policy has not been positively prepared and is not specific enough to be meaningful. In its present guise it is unsound.	It is acknowledged that the list is generic, because a mixture of all the measures will apply at different times in relation to different policies, and with different partners. The supporting text sets out the issues in detail. It was considered useful and important to include an overall implementation and delivery policy which shows that the Council has considered all these issues and intends to deliver the CS accordingly, and will develop them further at the appropriate times. The policy will be better used in this role rather than through setting strict parameters of which measures should be used to deliver each policy.	No change
---	--	--	-----------

**Miscellaneous**

<p>NHS Leeds (5693)</p>	<p>Not clear what investment plans will be supporting encouraging people to be more active and making journeys by sustainable transport. Use of green space and active travel are key areas where spatial planning can contribute to health improvement and reducing health inequalities but it is not clear what targets and indicators are being set by the CS to monitor its impact on these.</p> <p>Similarly it is not clear what mechanisms will be in place as the CS is implemented to assess policies or schemes to identify mitigations or enhancements to the impact on physical activity. The Joint Strategic Needs Assessment (JSNA) can be used to determine geographic distribution of risk factors such as obesity, and hence to plan, target and monitor spatial planning approaches (e.g. green space allocation, pedestrian oriented design etc). A useful source of guidance is the Active Planning Toolkit funded by NHS Gloucestershire (2011).</p>	<p>The CS monitoring considered including specific health indicators, but it is clearly very difficult to measure exactly what affect individual CS policies would have on specific aspects such as obesity when there are so many wide ranging factors involved. The intention of the suite of CS policies as a whole is to increase active travel and sustainable transport, especially from policies relating to greenspace and community facilities, but it was considered important to ensure that policies have targeted monitoring. The CS would not expect to be as comprehensive in its monitoring as the JSNA.</p> <p>The Active Planning Toolkit includes a checklist for strategies policies and plans:</p> <p>“Evidence</p> <ul style="list-style-type: none"><li>–The JSNA is used to identify health needs and inequalities most susceptible to planning intervention.</li><li>–Population and demographic change is forecasted and mapped, including future housing and regeneration sites.</li><li>–There is GIS analysis of spatial features particularly relevant to physical activity including: accessibility to shops, employment, services by active travel modes; accessibility to open space; spatial analysis of health issues.</li></ul> <p>Core Strategy:</p> <ul style="list-style-type: none"><li>–Addresses health in a spatial and locally distinctive way by promoting physical activity.</li><li>–Prioritises a spatial pattern whereby daily needs can be met within walking or cycling distance.</li><li>–Followed through into Area Action Plans and Supplementary Planning Documents.</li><li>–Criteria for the assessment of the level of physical activity generated are included in development proposals.</li><li>–Site allocation criteria include assessing the impact on physical activity.</li></ul> <p>Monitoring:</p> <ul style="list-style-type: none"><li>–The AMR includes health and physical activity indicators.”</li></ul> <p>It is considered that the Leeds CS does address all these guidance points.</p>	<p>No change (although continue to undertake close working with health providers, and include JSNA issues and local risk factors in working towards the Site Allocations DPD)</p>
-------------------------	---	---	---

Highways Agency (0060)	The Agency regards the IDP as a living document and will continue to work with the Council to develop sustainable solutions that allow the Strategic Road Network to continue to meet its strategic role. Chapter 6 on delivery stresses the need to work with partners, particularly in the context of the IDP, to identify and bring forward infrastructure schemes needed to facilitate development proposals in the CS. Policy ID1 merely states that the Council will undertake to ensure delivery and implementation of the CS although it does make reference to partnership working.	Ongoing partnership working with the Highways Agency is welcomed.	No change
------------------------	--	---	-----------

**Qu 67 ID2 – PLANNING OBLIGATIONS AND DEVELOPER CONTRIBUTIONS**

Leeds, York and North York Chamber of Commerce (1736)	It is important that the requirements for developers to contribute to transport improvements are not overly onerous. In particular, a requirement for large up-front contributions can impair the viability of developments. We will consider carefully the Infrastructure Plan, and the forthcoming work on the Community Infrastructure Levy.	Acknowledged and look forwards to further responses as part of the development of the CIL.	No change
---	---	--	-----------

**Support**

Metro (1933)	The transport infrastructure needed to deliver the LDF will be to some extent reliant on developer contributions. Whilst we acknowledge that large upfront contributions can impair the viability of new developments, the introduction of a CIL scheme should make contributions more equitable across a number of development opposed to placing the onus on a single development. Metro therefore support this policy.	Support welcomed.	No change
Miller Strategic Land, Andrew Ramsden (via Spawforths 2663)	Supports the approach to infrastructure planning and CIL. CIL will deliver a number of benefits in the form of more legal certainty enabling sub-regional infrastructure and the mitigation of cumulative impacts to be funded from CIL, a broader (and therefore fairer) range of developments contributing, improvements in transparency, and greater certainty and predictability as to the level of contribution which will be required. A cautionary approach should be taken towards CIL to ensure that a robust approach is adopted, particularly if affordable housing is introduced through the Localism Bill, and the interaction of CIL with Section 106 agreements.	The CIL rates will be developed as outlined in the Regulations and national guidance, which ensure a robust approach is taken including taking account of the need for caution in relation to market conditions, and viability at site specific and District level. This includes consultation with relevant stakeholders.	
Otley Town Partnership (via Directions Planning 5121)	ID2 welcomed, as there is a desire in Otley to secure development of a leisure centre and sports facilities, and to improve the educational and training offer through improved facilities.		

<b>Spending of CIL funds</b>			
Otley Town Partnership (via Directions Planning 5121)	Wish to see the provision of new leisure facilities included in the CIL Charging Schedule.	The Government set up the CIL specifically to create funds to address the strategic infrastructure needs across the District.	No change
Morley Town Council (4825)	Expenditure of CIL should be linked closely to the local communities in which it is generated, it should not become a general fund to be raided regardless of its points of origin.	The Council is working on the evidence base to determine the CIL rates, with consultation on the Preliminary Draft Charging Schedule anticipated in winter 2012. The CIL Regulations set out that the CIL is developed through a completely separate consultation and examination process to the CS.	
Tony Blackmore (5871)	A substantial percentage of the CIL levy to be allocated to communities directly affected. The quantity should be quoted.	Therefore the levy rates cannot be included in the CS. This is also important so that the CIL can be revised as necessary as economic conditions change.	
Leeds Civic Trust (0062)	Should be clearly set out aims for where CIL is to be directed and what the priorities are for spending. Monitoring of those targets should be made publicly available. Add "The Council will set out priorities for the use of CIL, and will monitor spending and publish annual reviews of the use of CIL."		
Aberford Parish Council (0106)	Vital that the CIL levy charging schedule be included in the CS (including the meaningful proportion of CIL to be devolved to those communities directly affected by development) in order to pass the soundness test.		
Boston Spa Parish Council (0112), Barwick-in-Elmet & Scholes Nhood Dev Plan (5874), Barwick in Elmet & Scholes Parish Council (0111)	Details of the CIL are not included in the CS contrary to the IDP Paragraph 7.8. CS paragraph 4.1.14 recognises that this matter is of considerable importance and so should be clarified to reflect paragraph 6.32. Provide details of the proposed CIL tariff prior to examination in public, Consult and engage with all stakeholders seeking formal responses and determine the soundness of any proposals. The Inspector must be afforded the opportunity to make recommendations before the development plan is adopted.	The spending and governance of the CIL is not a matter for the examination. However, setting out priorities and monitoring and publishing collection and spending information is required by the Regulations. The detailed spending and governance arrangements for the levy funds in Leeds are still to be determined and are outside the remit of the CS other than through this broad policy support, as they need to take account of the indication of the amount which will be raised. In addition, the Government is still to publish the final Regulations setting out the meaningful proportion to be given directly to local communities. It is expected that a wide range of types of infrastructure could be funded by the CIL.	
Conservative Group (2950)	Schools in the city are already under some stress and there will need to be a mechanism set up to fund new school building. We suggest that the CIL if properly used and with the right amount of emphasis of local retention of funds could be used to address some of the problems that might occur with regard to school places. Certainly school places and the planning for the delivery of these should feature more strongly in the CS.		
Highways Agency (0060)	It will be vital for the Agency to be fully involved in discussions on the CIL, both at stakeholder meetings and on a one-to-one basis, in order to ensure that the physical mitigation measures that are needed on the Strategic Road Network and at its junctions to enable traffic generated by new developments to be accommodated can be funded in order to allow those developments to proceed.		

<b>Viability and flexibility</b>			
Property Company, Templegate Developments, Hallam Land Management (via Barton Willmore Planning Partnership-Northern 0057)	Policy ID2 does not recognise economic viability in relation to planning obligations and developer contributions. All requests for contributions and on-site requirements, such as affordable housing, should be considered together in an assessment of economic viability. The Council should therefore work closely internally in order that individual requests for obligations/contributions do not cumulatively threaten the viability of a development. It is therefore recommended that the policy references that economic viability of developments as an important factor in determining the type and level of obligations/contributions.	It is not considered necessary to directly refer to viability or flexibility in the policy, as ID2 states that obligations and contributions will be required, but does not state the amount or type.  The supporting text to ID1 and in particular the section on contingency from Para 6.18 addresses the need for flexibility, including direct reference to the changing economy. Para 6.28 in relation to ID2 also references viability, and Para 6.3 states that the planning applications where viability is a concern should be submitted with a full viability assessment.	Minor change – reference NPPF paras 203 to 206 in supporting text in relation to market conditions and flexibility.
Airebank Developments, Muse Developments (via WYG Planning & Design 0420)	Does not allow applicant to demonstrate viability of schemes to enable a negotiation to take place regarding planning obligations and contributions. Excluding such flexibility from ID2 could seriously harm development coming forward in line with Spatial Policies, which would undermine the CS. NPPF Paragraph 205 states: "where obligations are being sought or revised, local planning authorities should... be sufficiently flexible to prevent planning development being stalled". ID2 does not comply with the requirement of the NPPF and should be amended accordingly.	S106s take account of viability, in that ultimately the decisions made by Members have to be a compromise between the full range of 'ideal' S106 contributions, and what it is viable to provide. Viability will remain a material consideration in planning decisions, and this is reinforced by the NPPF which has a clear focus on delivery.	
Hammerson UK Properties Ltd (via Barton Willmore) (4816)	Amend ID2 to provide sufficient flexibility for developer contributions to be negotiated in order to prevent planned development being stalled, in accordance with NPPF para 205.	The CIL rate has to be set using viability evidence. The setting of the CIL charges will	
Renew (5105)	Must indicate CS flexibility to adapt to a variety of scenarios including for example, changeable economic conditions affecting the city. This is pertinent with reference to stipulating Section 106 agreements and the CIL where viability can be affected by a changeable state of the economy once a major development scheme has been through the planning process.		

<p>Meadowside Holdings Ltd, The Hatfield Estate, The Bramham Park Estate, The Diocese of Ripon and Leeds, The Ledston Estate, Lady Elizabeth Hastings Estate Charity, AR Briggs and Co (via Carter Jonas 5681)</p>	<p>Narrative within the policy justification sets out a pragmatic tone; it does not reflect the most recent version of NPPF. Guidance contained in the NPPF suggests that the burden of obligations individually or cumulatively should not render development proposals unviable. Indeed it suggests that proposals should come forward where there is a willing landowner and willing developer who should be able to expect reasonable returns.</p>	<p>include consideration of a range of economic positions to allow for flexibility.</p> <p>However, acknowledge that ID2 was drafted based on the CIL Regulations, which do not reference viability specifically relating to planning obligations. The NPPF does expand on this slightly at paras 203 to 206 and therefore agree that NPPF should also be referenced in the supporting text.</p>	
<p>Hammerson UK Properties Ltd (via Barton Willmore) (4816)</p>	<p>The Draft Charging Schedule should set out the exceptional circumstances by which relief from CIL will be granted in accordance with the CIL Regulations. This should provide flexibility on a case by case basis to enable the delivery of developments that accord in principle with the Spatial Development Strategy and Spatial Policies.</p>	<p>This is outside of the remit of the CS. The Council has yet to take a decision on whether it will offer CIL relief through exceptional circumstances, and consultation on the Charging Schedule will allow for representations on such matters.</p>	<p>No change</p>
<p><b>Miscellaneous</b></p>			
<p>Highways Agency (0060)</p>	<p>There is no reference to working with partner infrastructure providers in either the Policy or the supporting text. The Agency considers this part of the plan unsound because of the lack of any reference to working with partner infrastructure providers.</p>	<p>Policy ID2 needs to be read in the context of the whole of Chapter 6, which has a strong emphasis on partnership working, especially at paras 6.5 – 6.9. The CIL Regulations and national guidance also require consultation and ensuring close links with providers. However, agree could include specific reference to working with partners in relation to ID2.</p>	<p>Minor change – add reference to continuing to work with partner infrastructure providers after 6.31.</p>
<p>Renew (5105)</p>	<p>Appropriate to mention Construction Yorkshire's involvement in developing a social contract clause which has been used on major public sector developments across the city to ensure developments provide social benefits to the community. It would be helpful if the CIL referred to Corporate Social Responsibility as a key outcome.</p>	<p>The Council encourages inclusion of social contract clauses, as referenced at 4.7.12 in relation to the economic development priorities: "in order to ensure that residents are able to access local job opportunities, employers and developers will be required through planning obligations to enter into local labour and training agreements,</p>	<p>Minor change – add reference to supporting text 6.28 that S106s also include training / skills and job creation initiatives and</p>

		<p>appropriate to the individual development.” They are also referenced in Spatial Policy 8(vi): “Supporting training/skills and job creation initiatives via planning agreements linked to the implementation of appropriate developments given planning permission.”</p> <p>Therefore agree that text relating to ID2 should also reference and reinforce local labour agreements in para 6.28.</p>	<p>local labour agreements.</p>
--	--	---	---------------------------------

Qu 72 INFRASTRUCTURE DELIVERY PLAN			
Highways Agency (0060)	<p>Makes various detailed comments relating to the wording within the IDP and the specific schemes and gaps within the Schedule.</p> <p>Key comments include:</p> <ul style="list-style-type: none"> <li>• Consider is currently unsound, but will work with LCC with the objective of resolving outstanding matters and thereby enabling the Agency to declare the IDP sound.</li> <li>• The IDP should remain a living document after submission, examination and adoption of the Core Strategy.</li> <li>• The general lack of cost information suggests that there is still a significant amount of work to be done to bring the IDP to a level where it can function as a robust part of the Core Strategy evidence base.</li> <li>• IDP should update schemes in relation to changes requested from Highways Agency representations on other elements of the CS, including that further traffic impact assessments need to be undertaken for some of the schemes proposed.</li> </ul>	<p>As the IDP is a draft 'living' document it will be updated prior to CS Submission, and therefore all proposed changes relating to wording and scheme updates are intended to be incorporated. The IDP will continue to be updated as necessary following adoption of the CS to reflect changing circumstances and priorities.</p> <p>Highways Agency comments in relation to requiring further evidence for specific schemes are being considered in relation to the transport chapter of the CS.</p>	Minor change - Update IDP to reflect Highways Agency comments and additions.
Metro (1933)	<p>Metro will work closely with LCC to ensure that the IDP is updated to reflect current and future LTP Implementation Plans.</p> <p>Makes various detailed comments and updates relating to the specific schemes and gaps within the Schedule, primarily the linkages with the LTP3. Raises queries and asks for clarifications.</p>	<p>As the IDP is a draft 'living' document it will be updated prior to CS Submission, and therefore all proposed changes relating to wording and scheme updates are intended to be incorporated.</p>	Minor change - update IDP to reflect Metro comments and additions.
Lee Davidson (2960)	<p>No mention of the processes of dedication/creation of Public Rights of Way. Should reference the 10 year Action Plan within the Rights of Way Improvement Plan. The IDP is pervaded by the 'highways' mode of thinking which is ignorant of the special aspects of Public Rights of Way. It could actually obstruct access to important sources of sustainable transport funding for the very same green network which the CS is promoting. Should consult with the Leeds Local Access Forum.</p>	<p>As the IDP is a draft 'living' document it will be updated prior to CS Submission, and therefore all proposed changes relating to wording and scheme updates are intended to be incorporated. This includes adding text relating to public rights of way and gaining stakeholder input on this as necessary.</p>	Minor change - update IDP to reflect comments re PROW and Improvement Plan.
University of Leeds (1029)	<p>The Innovation City Leeds building and bio-incubator project has been cancelled.</p>	<p>As the IDP is a draft 'living' document it will be updated prior to CS Submission, and therefore all proposed changes relating to wording and scheme updates are intended to be incorporated.</p>	Minor change - update IDP to remove bio-incubator project.



National Grid (4823)	<p>Provides list of all National Grid's substations, high voltage electricity overhead transmission lines / underground cables, and gas transmission assets within Leeds District.</p> <p>Northern Power Grid owns and operates the local electricity distribution network, and Northern Gas Networks owns and operates the local gas distribution network.</p>	As the IDP is a draft 'living' document it will be updated prior to CS Submission, and therefore all proposed changes relating to wording and scheme updates are intended to be incorporated.	Minor change - update IDP to reflect National Grid comments and additions.
English Heritage (0099)	<p>Welcomes:</p> <ul style="list-style-type: none"> <li>• The acknowledgement of the importance of maintaining the heritage assets of the District in order to ensure that the cultural infrastructure of Leeds is safeguarded for the future.</li> <li>• The intention to improve the quality of existing open spaces.</li> <li>• The intention to create a network of improved green spaces and public realm throughout the City Centre.</li> <li>• The intention for improvements to quality of existing greenspaces as a result of new housing developments.</li> </ul> <p>Supports and makes comments on various specific schemes within the Schedule (or identifies schemes which are not listed): Armley Mills, Town Centre Improvement Programme for Chapel Allerton, Hunslet Mills, Tower Works scheme within Holbeck Urban Village, Central Library, Art Gallery, refurbishment of the streetworks in Holbeck, Temple Works, Kirkgate Market, First White Cloth Hall, refurbishment of Kirkgate.</p> <p>Infrastructure Delivery Plans and/or supporting Supplementary Planning Guidance on Developer Contributions should identify the ways in which CIL, planning obligations and other funding streams can be used to implement the historic environment strategy and policies within the LDF.</p>	<p>Support welcomed.</p> <p>As the IDP is a draft 'living' document it will be updated prior to CS Submission, and therefore all proposed changes relating to wording and scheme updates are intended to be incorporated. The IDP will continue to be updated as necessary following adoption of the CS to reflect changing circumstances and priorities.</p> <p>Development of the CIL is a separate workstream, and will be informed by a modified version of the IDP.</p>	Minor change - update IDP to reflect English Heritage comments and additions.

<p>NHS Leeds (5693)</p>	<p>Welcomes the decentralised and co-location model of provision of health facilities, and the inclusion of active travel.</p> <p>Transport challenges should include key facts relating to journeys made by cycling or walking.</p> <p>Strategies to help improve connectivity in terms of local people accessing services in other areas of Leeds should be included in developments.</p> <p>The implications of the Health and Social Care Bill 2012 with its new arrangements for commissioning health services will need to be carefully integrated into Core Strategy processes, and future demand for health services assessed and mapped against current capacity and its accessibility as developments across Leeds are planned and implemented.</p>	<p>Support welcomed.</p> <p>As the IDP is a draft 'living' document it will be updated prior to CS Submission, and therefore all proposed changes relating to wording and scheme updates are intended to be incorporated.</p> <p>The CS as a whole aims to improve connectivity on a macro and micro scale and therefore consider that further discussion within the IDP is unnecessary.</p> <p>The CS and IDP have been developed alongside commissioners and providers to ensure that areas identified for growth have sufficient existing health infrastructure, or have the scope to provide additional. This will be ongoing through the Site Allocations DPD work. The incorporation of many aspects of health commissioning into LCC will allow even closer working.</p>	<p>Minor change – include key facts relating to journeys made by cycling or walking.</p>
-------------------------	---	---	--

## **APPENDIX 2 – RELEVANT TEXT CHANGES TO CORE STRATEGY**

### **6. IMPLEMENTATION AND DELIVERY**

6.1 In order for the Core Strategy to be successful and to achieve our Vision and the sustainable development of Leeds, there needs to be mechanisms in place to ensure that the policies set out in the previous chapters will achieve this. Delivery and implementation of the Strategy and the individual policies is clearly integral to it being effective. There are many different ways in which the Council will undertake this. Developer contributions/planning obligations, the Community Infrastructure Levy, and the Council's monitoring programme are discussed in separate sections in this chapter, and the range of other mechanisms are set out below.

#### Development Management and Further Guidance

6.2 Making planning decisions on sustainable development through development management is an integral delivery mechanism of the Core Strategy, and the planning system generally. It is through the proper and consistent assessment of proposals against the Local Development Framework and other relevant national and local policies and guidance that the delivery of the Core Strategy Vision will be achieved. Enforcement measures will be undertaken where necessary in order to ensure that planning controls are being complied with.

6.3 An element of development management is also recognising that schemes need to be deliverable, and planning applications where viability is a concern should be submitted with a full Viability Assessment which contains sufficient evidence to enable officers to properly assess a scheme.

6.4 Where appropriate the Council will develop detailed guidance, allocations of sites, delivery, targets, and monitoring through Development Plan Documents and Supplementary Planning Documents. This is in order to give more certainty regarding delivery, and allow for changing circumstances through the life of the Core Strategy. Strategic site work is already underway re. delivery frameworks and master plans to provide implementation mechanisms.

#### Partnership Working and the Infrastructure Delivery Plan

6.5 The Council will continue to work with partners, stakeholders, local communities, landowners, businesses, and developers in order to create joint visions for the future. This will ensure that development occurs in a planned way aligned with the Core Strategy and is viable and deliverable. The Council will also take a positive and cooperative approach to potential investors to promote and support development and the economy across Leeds.

6.6 Partnership working is particularly important alongside infrastructure providers, to plan for and deliver at the right times the necessary infrastructure to support the new development across Leeds. Throughout the development of the Core Strategy the Council has worked in partnership with infrastructure providers, including across internal directorates and external agencies, to identify infrastructure required to enable new development in Leeds. Regeneration partnerships and plans are also a contingency mechanism to help bring forward development opportunities.

6.7 As a result, to support the Core Strategy the Council has produced the Leeds Infrastructure Delivery Plan (IDP) which identifies the current infrastructure provision across the District, and identifies funding gaps, priorities, and critical infrastructure necessary for the delivery of the Core Strategy over the whole time period. It provides an overarching framework for the Council's and other service providers' plans and programmes, to bring them into one place and to ensure that everyone is planning for the predicted level and locations of future

growth. The IDP also enables providers to more effectively target areas of need and achieve greater efficiencies, for instance in identifying co-location possibilities.

6.8 For example, the Leeds Housing Investment Plan is a document through which the city's housing investment requirements are articulated and informs its collaboration with the Homes and Communities Agency. The plan indicates the strategic context for housing investment, priority areas and investment themes which include Housing for Older People, new affordable housing, addressing empty properties, public and private sector stock requirements, and meeting the housing needs of specific communities and to meet demographic change. *The Plan is an example of the importance of partnership working to deliver housing growth and investment.* Its content has been incorporated within the IDP.

6.9 The Schedule within the IDP sets out the strategic infrastructure which is needed to help deliver the aims of the Core Strategy, and this will be reviewed to make sure that changing circumstances, timetables, and funding sources are accounted for. Setting out targets, the infrastructure needed, actions the Council will take, the phasing, who are working partners and where the funding will come from demonstrates the Council's transparent approach to delivery. The infrastructure needs and aspirations identified at the community level through neighbourhood planning and the localised spending of the Community Infrastructure Levy will be reflected in future updates of the IDP.

#### Working with Communities Community Involvement

6.10 Another element of working in partnership is through community involvement. The Leeds Statement of Community Involvement (SCI) (2005) sets out how and when the City Council will involve the community in preparing planning policy documents and in making decisions on planning applications. In making sure that development and infrastructure which is needed or planned for by a community is delivered, it is important to gain early community consultation and ongoing support, plus gain consensus on local priorities.

6.11 The Government's localism agenda also puts listening to communities and gaining local consensus at the heart of the planning system, and this is another way which helps the City Council to implement development that is needed. The Community Infrastructure Levy is discussed in detail below, but this is also another method by which communities will be involved in the provision and delivery of infrastructure, through their control over spending a 'meaningful proportion' of the receipts from the CIL.

6.12 Communities can choose to prepare a Neighbourhood Plan for their area, *and neighbourhood planning is supported by the City Council. Neighbourhood plans are a very important mechanism to co-ordinate implementation and delivery at the local level.* Through extensive community consultation and engagement, the community can help shape site allocations in their areas, *or identify other local priorities.* They can set out clear aspirations for improvement, and identify priorities for spending.

#### Use of Council Assets

6.13 The use and development of Council owned land, or the sale of that land, will be essential in some areas in order to promote growth, and to achieve the most sustainable forms of development. The City Council undertakes to use its assets wisely and at the appropriate times in order for this to occur. Protection and improvement of environmental assets on Council owned land is a similarly important aspect of the delivery of the Core Strategy.

6.14 The Council also has powers of compulsory purchase to buy land and properties where that is essential in order to attain the objectives, such as site assembly in town centres or Regeneration Priority Areas. It is one option which can be used to ensure delivery, however, the Core Strategy is based on the co-operation of those involved in development and so it is not anticipated to be a major element of the delivery or a sole mechanism to deliver sites. We are committed to the statutory processes of delivery through the planning

application process by developers and landowners and other voluntary methods of developing land.

#### Supporting Evidence

- 6.15 A very wide evidence base has been created in drafting the Core Strategy. This evidence helps to ensure that the Core Strategy is robust, viable, and deliverable, while retaining an element of flexibility for future changes in the market. For instance, outputs from updating of the evidence base such as the Strategic Housing Land Availability Assessment, the Employment Land Review, the Strategic Housing Market Assessment, and a very wide range of other work and studies, provide ongoing detailed understanding of population change across the District, and how that feeds into the need for land. The Council has ensured that because it is based on evidence, the Core Strategy policies, the overall Vision, and the development proposals that will occur to achieve it will be viable and deliverable.

#### Funding and Promotion

- 6.16 The Council will make all attempts to gain a range of funding, including through bidding to the Local Enterprise Partnership, national and European sources and programmes, and through any other funding mechanisms available. The Council will also progress programmes and development incentives in order to advance and prioritise aspects including infrastructure, improvements to the environment, and business promotion. This includes promoting Leeds as a city at a wider level within the national and international arena in order to attract investment and fulfil the Vision for Leeds and Core Strategy ambitions.

#### Greenfield and Brownfield Development

- 6.17 A site on greenfield land could be linked together with a site on brownfield land, so that development of the more valuable greenfield site can help to also pay for development of the brownfield site. This is one mechanism which can help to make sure that brownfield land can be viable, and that the regeneration and sustainable development aims of the Core strategy can be delivered. The details of how this mechanism would work in practice are being investigated by the Council, and as a result a specific policy on this approach is not included in the Core Strategy. However, it is seen as an important aspiration of the Plan and for the delivery of brownfield land, and so it is the Council's broad ambition for that this will be progressed.

#### Allowable Solutions

- 6.XX *The Government has proposed the idea of Allowable Solutions as a way of providing flexibility for delivering zero carbon new buildings. Allowable Solutions is a term that can be applied to any approved carbon-saving measure that would be available to developers from 2016 to allow for the carbon that they would not normally be required to mitigate on-site through Carbon Compliance (achieved through the energy efficiency of the building fabric, the performance of heating, cooling and lighting systems, and low and zero-carbon technologies). Carbon Compliance and Allowable Solutions measures will both be needed to meet the zero-carbon Building Regulations in 2016 and each will need to be submitted, checked and verified as part of Building Control approval.*

- 6.XX *At present the current Government has made no formal announcement what will constitute an acceptable Allowable Solution, but it is anticipated that they will include:*

- *'On-site' options (but not duplicating Carbon Compliance measures) e.g. home electric vehicle charging.*
- *'Near-site' options (within the Local Planning Authority area in which a specific development is built) e.g. investment in creation or expansion of locally planned low carbon energy infrastructure such as district heating or renewable energy schemes.*
- *'Off-site' options (outside the Local Planning Authority area in which a specific development is built) e.g. investment in energy storage and demand-side management projects to assist overcoming intermittent renewable energy supply.*

### Contingency

- 6.18 There is inevitably an element of uncertainty in delivery when plans and strategies are drawn up, as it is not possible to foresee all eventualities for all events and situations. However, in producing the Leeds Core Strategy and its evidence base the Council and partners have tried to address a range of situations, outcomes, and alternatives, including the detailed interpretations of the policies and their spatial outcome. This is alongside the recognition that some key elements of the strategy are essential to achieving the overall Vision and the delivery of the necessary sustainable growth for Leeds.
- 6.19 The key example of the need to consider contingency has been the drastic changes to the national and local economy in the past few years, which has greatly altered the whole range of market sectors, and impacted on development viability, reduced public and private funding, and social issues such as increased unemployment and lower spending power. The Core Strategy has been developed in these changing circumstances and therefore is based on flexibility for the future. Across the evidence base realistic market scenarios and viability considerations have been used, alongside contingency for when they improve, in order to address this.
- 6.20 Another example needing contingency is the changing context of national and regional planning policy and funding programmes as a result of national and local political shifts. For instance, the National Planning Policy Framework, and neighbourhood planning powers have recently been developed and have required the Council to respond accordingly. To a certain extent changes in policy cannot be foreseen, but through basing the Leeds Core Strategy on local evidence and local characteristics then planning policy in Leeds will continue to be able to react to such changes with local interests at the forefront.
- 6.21 PPS12 identifies that the Government recognises that the budgeting processes of different agencies may mean that less information may be available when the Core Strategy is being prepared than would be ideal. It states that “it is important therefore that the Core Strategy makes proper provision for such uncertainty and does not place undue reliance on critical elements of infrastructure whose funding is unknown. The test should be whether there is a reasonable prospect of provision. Contingency planning – showing how the objectives will be achieved under different scenarios – may be necessary in circumstances where provision is uncertain.”
- 6.22 Some of the infrastructure planned for Leeds is essential for the proper delivery of the Core Strategy whereas other infrastructure is less critical. These delivery strands have been identified as such in the IDP, to enable funding streams to be prioritised. As much certainty as possible at the present time regarding funding has also been indicated. Should key projects not receive funding, then the Council can respond at that time as necessary through other mechanisms, such as changing the type of infrastructure proposed (e.g. the new NGT has evolved out of the former ‘Supertram’), safeguarding land for the future for when funding does become available, or looking for funding from a different source such as developer contributions or a partnership with the private sector.
- 6.23 Monitoring is an important aspect of contingency as it provides up to date evidence and feedback to enable review of the policies and progress towards the Vision, and can identify reasons why progress may be slow. Monitoring of the Leeds Core Strategy is discussed further below.
- 6.24 Policy ID1 therefore summarises the methods by which the Council will ensure delivery and implementation of the Core Strategy.

## **POLICY ID1: IMPLEMENTATION AND DELIVERY MECHANISMS**

The Council will undertake to ensure the delivery and implementation of the Core Strategy through a variety of mechanisms, initiatives, and investment decisions, including:

- Partnership working,
- *Working with communities, including through neighbourhood planning, Community involvement,*
- Use of Council assets,
- Supporting evidence,
- Further guidance and development management,
- Bidding for funding sources and promoting the City for this purpose,
- The use of innovative funding opportunities (such as Tax Incremental Financing to help stimulate local investment, Business Improvement Districts (BIDS), European Development Fund, New Homes Bonus, Community Infrastructure Levy, Asset Leverage - either directly using City Council assets or through an Asset Liquidity Vehicle / Joint Venture),
- Linking greenfield and brownfield development,
- Recognising the need for contingency planning.
- *Allowable Solutions*

### **Planning Obligations and the Community Infrastructure Levy**

- 6.25 The Council reaches decisions on planning applications based on whether they accord with the relevant policies. However, in some instances, it may be possible to make development proposals acceptable which might otherwise be unacceptable in planning terms, through the use of planning obligations. They can be used to prescribe, compensate, and/or mitigate the impact of a development.
- 6.26 Planning obligations (often referred to as Section 106 agreements or developer contributions) are legal obligations negotiated by the landowner or developer with the Council in response to a planning application or are entered into unilaterally by landowners and developers. They are used to make development proposals acceptable in planning terms, and in order to mitigate against the impact new development will have upon the city's existing infrastructure, such as transport provision, local community facilities, and greenspace.
- 6.27 Planning obligations can either be used to provide something on site as part of a development, e.g. affordable housing, or alternatively through a financial contribution towards provision off site, e.g. towards public transport improvements. Wherever possible, in Leeds such aspects that are feasible should be provided on site as part of new developments. In certain instances where on site provision is not feasible, or the development will impact on infrastructure away from the site, a financial contribution will be considered more appropriate.

*Obligations are also used to ensure non-physical measures, such as training/skills and job creation initiatives and local labour agreements; Spatial Policy 8(vi) sets out that these will be sought across Leeds via planning agreements. Travel plans are another non-physical measure undertaken via S106 Agreements.*

- 6.28 Developer contributions will also be expected to take a role in the funding and delivery of any required new infrastructure as a result of the cumulative impact of the high level of growth proposed for Leeds. Therefore, planning obligations will be used to secure matters including education and training provision, green space and public realm, and transport

provision such as highway improvements, cycle routes, **and** public transport improvements, ~~and travel plans~~. Contributions for a very wide range of aspects which are impacted as a result of new development could be sought, although the Council will bear in mind that schemes need to be viable. Residential developments will be required to provide affordable housing provision as outlined in Policy H5, and this will continue to be undertaken through a Section 106 Agreement.

- 6.29 Not all these measures will be applicable in each case. In accordance with guidance contained within Circular 05/2005 'Planning Obligations', ~~and~~ the legal tests contained in the Community Infrastructure Levy (CIL) Regulations, **and the NPPF**, the nature and scale of any planning obligation required has to be related to the scale and type of development proposed, and three tests have to be met:  
"A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:  
(a) necessary to make the development acceptable in planning terms;  
(b) directly related to the development; and  
(c) fairly and reasonably related in scale and kind to the development."

*In relation to planning obligations the NPPF also states that local planning authorities should take account of changes in market conditions over time, and where appropriate should be sufficiently flexible to prevent planned development from being stalled.*

- 6.30 The Community Infrastructure Levy is a tariff system that local authorities can choose to charge on new developments in their area by setting a Charging Schedule. The CIL Regulations initially came into force in April 2010, and greatly limit a local authority's ability to seek financial contributions under Section 106 agreements after the 6th April 2014. As such, S106 agreements will no longer be available for wider pooled infrastructure contributions, e.g. for public transport or city-wide greenspace improvements, although they will still have an important role for mitigating on site issues.
- 6.31 As a result, the Council is progressing with developing a CIL for Leeds and is aiming to have a CIL adopted for Leeds by April 2014 at the latest. Throughout the Core Strategy references to planning obligations and contributions include both S106 and the CIL, and any other mechanisms which the Government may introduce to collect developer contributions through the timescale of the Core Strategy. *The Council will continue to work with partner infrastructure providers in developing the CIL rates and determining its spending priorities.*
- 6.32 The CIL aims to support and incentivise sustainable growth as it will directly meet some of the infrastructure needs created by new growth. This is because a meaningful proportion of it will be spent on infrastructure and projects to directly benefit those communities where the growth is located, and because it will provide more certainty and confidence to developers. It will also enable developers to more accurately assess their costs at the outset so that in the longer term there should be fewer instances where there are difficulties based on viability, unlike the current Section 106 process.
- 6.33 The Levy must strike a balance between providing sufficient infrastructure funding, whilst not having a detrimental impact on the economic viability of development as a whole across the area. It should not be set so high that it will be at the margin of viability across the great majority of sites. The Government considers that if the CIL is set at a sensible rate, there will only be rare instances where the addition of the CIL is the tipping point which makes schemes unviable.
- 6.34 The CIL will be charged at a rate of £ per sq metre and applies to all development of new buildings that people normally use. The CIL does not apply to development for charitable purposes or for affordable housing. It also does not apply to developments under 100 sqm, unless they are for housing (housing of any size is subject to CIL). It only applies to the net increase of floorspace in cases of redevelopment or change of use, and only new outline or



full planning applications after the date at which the CIL is adopted will be liable. The CIL can only be waived for individual developments in very exceptional circumstances, although it is possible to set the levy at zero for specified types of development or geographical areas, based on viability evidence.

6.XX *It should be noted that the possibility of using Allowable Solutions as referred to above and in relation to Policy EN1, will also need to be developed further in order to align with the ongoing use of planning obligations and the CIL. Although it is difficult to determine this until further Government guidance is produced, it is included in this Implementation Chapter in order that all policy requirements for contributions are highlighted in one section of the Core Strategy.*

## **POLICY ID2: PLANNING OBLIGATIONS AND DEVELOPER CONTRIBUTIONS**

Section 106 planning obligations will be required as part of a planning permission where this is necessary, directly related to the development, and reasonably related in scale and kind in order to make a specific development acceptable and where a planning condition would not be effective.

In order to provide the necessary infrastructure and facilities to support the growth of Leeds and the proposals and policies in the Core Strategy, developer contributions will be sought through Section 106 planning obligations and the Community Infrastructure Levy as appropriate.

### **MONITORING**

- 6.35 Delivery and implementation is closely linked to monitoring. The Council will measure the performance of the Core Strategy by assessing how effective its policies and proposals are in delivering its vision and objectives. Monitoring of the Core Strategy policies will be undertaken through the production of an annual Authority Monitoring Report (AMR), which local authorities are required to produce every year.
- 6.36 The AMR also identifies actions that need to be taken to rectify any issues raised, i.e. if the objectives and Vision are not being met. This could include adjusting the implementation of the policies, or might even identify a need for a partial or full review of one of the Development Plan Documents. Monitoring will allow for the implementation and adjustment of phasing, in particular related to the housing policies. There are also a range of other processes including other Council Departments' monitoring systems, national indicators, resident surveys, and City Region work which will help to ensure that the Core Strategy is monitored and implemented accordingly. Further details on monitoring are set out as part of the Core Strategy Monitoring Background paper.