

**Report of the Director of City Development****Report to Executive Board****Date: 8<sup>th</sup> February 2017****Subject: Leeds Site Allocations Plan Submission Draft Stage (including advertisement of pre-submission changes to the Plan)**

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|--|---|--|
| Are specific electoral Wards affected?<br>If relevant, name(s) of Ward(s): ALL   | <input checked="" type="checkbox"/> Yes | <input 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?<br>If relevant, Access to Information Procedure Rule number:<br>Appendix number: | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

**Summary of main issues**

1. In taking forward City Council and Best Council Plan priorities for regeneration, growth, infrastructure, and environmental enhancement, the Development Plan for Leeds has a key role to play in shaping the future form, location and overall pattern of development. In helping to meet these requirements and in delivering longer term aspirations, it is crucial therefore that Leeds has an up to date Development Plan in place.
2. The Leeds Core Strategy was adopted by the City Council on 12th November 2014 and includes an overall net housing requirement of 70,000 (66,000 to be provided through site allocations). The Core Strategy takes forward the spatial and land use aspects of the Vision for Leeds, City Priority Plans and the Best Council Plan (in particular, Objective 2: to 'Promote sustainable and inclusive economic growth), in aspiring to be the 'Best City in the UK'. There are also links to the Council's breakthrough projects, including Housing Growth and Jobs for Young People. Following Executive Board approval in July 2015 the Aire Valley Leeds Area Action Plan (AVLAAP) was submitted to the Secretary of State in October 2016 and Examination hearing sessions took place at the end of January. The Leeds Site Allocations Plan covers key topics relating to Housing, Employment, Retail and Greenspace allocations for the whole of the Leeds district with the exception of the area covered by the AVLAAP and provides site allocations and requirements to ensure that

sufficient land is available in appropriate locations to meet the targets set out in the Core Strategy and achieve the Council's ambitions.

3. The Site Allocations Plan (SAP) is at a very advanced stage of preparation prior to submission to the Secretary of State for independent examination. Reports to Development Plan Panel (DPP) on 14<sup>th</sup>, 28<sup>th</sup> June 2016 and 19<sup>th</sup> July 2016, considered responses to representations made to the Publication draft Plan (which was subject to public consultation between 22<sup>nd</sup> September and 16<sup>th</sup> November 2015) and proposed pre-submission changes arising. It should be noted that 'pre-submission changes', are changes to the Plan, in response to issues raised as part of the Publication draft Plan consultation process. These changes are intended to address representations concerning the soundness of the Plan prior to examination. A report to Development Plan Panel on 10<sup>th</sup> January 2017 considered responses to representations made to the Revised Publication Draft Plan proposals for the Outer North East (ONE) Housing Market Characteristic Area (HMCA) only (which was subject to separate additional public consultation between 26<sup>nd</sup> September and 7<sup>th</sup> November 2016) and proposed pre-submission changes for ONE, along with further pre-submission changes to the rest of the plan area not previously considered. **Appendix 1** presents a consolidated schedule of all of the pre-submission changes for consideration.
4. DPP subsequently recommended that these proposed pre-submission changes should be considered by Executive Board in February 2017 and subject to this consideration, for the pre-submission changes to be advertised in order to invite public comment (prior to the submission of the Plan to the Secretary of State for independent examination - anticipated in April 2017). This was subject to Executive Board further considering sites at Weetwood and Tingley (paragraphs 3.6 to 3.8 below).
5. Although advertising these pre-submission changes is not a statutory requirement, any representations received as the result of the pre-submission advertisement, will be forwarded to the Planning Inspectorate with the submission documents to enable the appointed Inspector to consider these in determining the "soundness" of the Plan. From previous experience, this stage helps the Examination process run more smoothly with a final opportunity for consultees to clarify their representations. The City Council will also need to consider these further representations in the preparation of Examination statements.

## **Recommendation**

6. Executive Board is invited to:
  - i) Consider the request from Development Plan Panel (10<sup>th</sup> January 2017) that Executive Board receive further information on two housing allocations at Weetwood (HG2-49) and Tingley (HG2-169) in light of the recent withdrawal by the Cricket and Rugby Clubs of their planning applications for housing development at Weetwood; and determine

whether both or either of these sites be removed from the Submission Draft Plan, having considered the implications and risks of removing the sites at this stage with any necessary changes to the Pre-Submission Changes made.

- ii) Approve, and recommend that Council approves, the pre-submission changes to the Publication Draft Site Allocations Plan, as set out in **Appendix 1**.
- iii) Approve and recommend that Council approves the Submission Draft of the Site Allocations Plan (comprising the Publication Draft Plan, the Revised Publication Draft Plan for the Outer North East and the Pre-Submission Changes – together known as the “Submission Draft Plan”) for Submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004 as amended.
- iv) Approve, and recommend that Council approves, the Sustainability Appraisal Report (**Appendix 3**), in support of the Plan, for Submission to the Secretary of State for independent examination, pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004 as amended.
- v) Recommend that Council grant authority to the independent inspector appointed to hold the Public Examination, to make modifications to the Submission Draft Plan, pursuant to Section 20 (7C) of the Planning and Compulsory Purchase Act 2004 as amended.
- vi) Agree that a further period of advertisement on the pre-submission changes to the Publication Draft Site Allocations Plan is provided, and that any further comments received are provided to the Secretary of State at the time the Submission Draft Plan is submitted for independent examination.
- vii) Agree and recommend that Council delegate authority to the Chief Planning Officer, in consultation with the Executive Member, to make any factual and other minor changes to the pre-submission changes prior to advertisement.
- viii) Delegate authority to the Chief Planning Officer, in consultation with the Executive Member, to a) approve the detail of any further technical documents and supporting evidence required to be submitted alongside the plan for consideration at Public Examination, b) continue discussions with key parties and suggest to the Inspector any edits and consequential changes necessary to be made to the Submission Draft Plan following Council approval up to and during the Examination and c) prepare and give evidence in support of the Plan at Examination.

## **1 Purpose of this Report**

- 1.1 The purpose of this report is to seek Executive Board approval to advertise a consolidated set of proposed pre-submission changes to the Site Allocations Plan (Publication Draft Site Allocations Plan and Revised Publication Draft for Outer North East HMCA). The purpose of this report is also to seek Executive Board approval, and Executive Board's recommendation that full Council approves the Submission Draft Plan for submission to the Secretary of State for independent examination once the advertisement period has expired (along with any further comments made on the pre-submission changes).
- 1.2 The Submission Draft Plan will comprise:
- Publication Draft Site Allocations Plan (September 2015) as amended by the Revised Publication Draft Plan for Outer North East (September 2016) and pre-submission changes arising
  - Sustainability Report
  - Report of Consultation
  - Background Papers on specific technical evidence and topics
- 1.3 Members should note that sites within the defined Aire Valley Leeds Area Action Plan area are being progressed via the Aire Valley Leeds Area Action Plan (AVLAAP). Executive Board endorsed the submission of this Plan in July 2016 and the Plan is now subject of an Examination in Public between 24<sup>th</sup> January and 26<sup>th</sup> January 2017.

## **2 Background**

- 2.1 The Leeds Site Allocations Plan (SAP) forms part of the Local Plan for Leeds (also known as the Local Development Framework (LDF)). The scope of the SAP was approved by Executive Board on 16<sup>th</sup> May 2012, to provide site allocations for Housing, Employment Green Space and Retail. These requirements are set within the context of the Leeds Core Strategy, which was adopted by the City Council on 14<sup>th</sup> November 2014.
- 2.2 The SAP has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (the Regulations). This has entailed three separate rounds of public consultation:
- Issues and Options 3<sup>rd</sup> June - 13 to 29<sup>th</sup> July 2013 (following Executive Board approval 9<sup>th</sup> May 2013),
  - Publication Draft 22<sup>nd</sup> September – 16<sup>th</sup> November 2015 (following Executive Board approval 15<sup>th</sup> July 2015)
  - Revised Publication Draft proposals for Outer North East, 26<sup>th</sup> September - 7<sup>th</sup> November 2016 (following Executive Board approval 21<sup>st</sup> September 2016).

### 3 Main Issues

- 3.1 The Plan is now at a very advanced stage, having previously been considered at Executive Board (as summarised in para 2.2 above) on 15<sup>th</sup> July 2015 and 21<sup>st</sup> September 2016. It is crucial that the City Council maintains the momentum behind the process. This is necessary in order to satisfy Central Government objectives to secure full Development Plan adoption across the country by 2017, to provide certainty for communities and investment decisions and to ensure that Leeds has a sufficiency of land supply to meet the requirements of national planning guidance, the Core Strategy and the Best Council Plan.

#### Publication Draft Plan

- 3.2 The public consultation in 2015 on the Publication Draft Plan resulted in over 45,000 individual representations being received. The consultation on the Revised Publication Draft for Outer North East HMCA in 2016, generated over 4,000 individual representations. The majority of representations were on housing proposals and representations on a range of general issues including the housing targets, phasing, Green Belt Review and Infrastructure (roads and traffic congestion, lack of health facilities and schools) were received. Officers have had regard to all of these representations and the pre-submission changes respond to them where it is considered appropriate.
- 3.3 In line with the Regulations the Council is not required to undertake any further statutory consultation on the SAP prior to submission. However, it has previously been the case in Leeds that pre-submission changes to the Development Plan are advertised for comment prior to Submission to the Secretary of State. This would enable people with an interest in the Plan to make any final representations on changes; these will be sent directly to the appointed Inspector and considered by officers as they prepare for the Examination.

#### Development Plan Panel

- 3.4 Reports to Development Plan Panel (DPP) on 14th & 28th June 2016 and 19th July 2016 considered responses to representations made to the Publication draft Plan (which was subject to public consultation between 22nd September and 16th November 2015) and consequential proposed pre-submission changes. A report to Development Plan Panel on 10th January 2017 considered responses to representations made to the Revised Publication Draft Plan for the Outer North East area only (which was subject to public consultation between 26th September and 7th November 2016) and proposed pre-submission changes for Outer NE (arising from the withdrawal of the Headley Hall site). DPP on 10th January 2017 were also asked to consider further changes to the rest of the Plan area. DPP subsequently agreed these proposed pre-submission changes to the Plan for Executive Board consideration. Scrutiny Board considered a report on the Site Allocations Plan on 21st December 2016. The proposed set of consolidated pre-submission changes are appended to this report at **Appendix 1**.

- 3.5 The Site Allocations Plan (SAP) is at a very advanced stage of preparation prior to submission to the Secretary of State for independent examination (April 2017). The City Council is under considerable pressure and is on a critical path to adopt the Plan ASAP.
- 3.6 At its meeting on 10<sup>th</sup> January 2017 Development Plan Panel recommended that, “in relation to the proposed housing allocations at Weetwood (HG2-49) and Tingley (HG2-169), request that officers reconsider the need for their continued allocation in light of the recent withdrawal by the Cricket and Rugby Clubs of their planning applications for housing development. A report highlighting the implications and risks of removing the sites at this stage is to be provided to the Executive Board on 8th February 2017 to inform their consideration of the Plan.”
- 3.7 In response to this matter further consideration has been made regarding this request and the implications of such an approach at this advanced stage of plan preparation. This can be summarised as follows:
- Executive Board supported the inclusion of these sites on 15<sup>th</sup> July 2015 as part of the Publication Draft Plan on the basis that the sites were necessary allocations to meet the overall HMCA targets for the Plan
  - The sites have been assessed on their own merits and within the context of other sites and choices within individual HMCA areas
  - The planning applications for Weetwood and Tingley and any supplementary justification therein was not a factor in the allocation of the sites for housing and progressed in tandem, not as part of the plan-making process. This point was clarified in a report to the 20<sup>th</sup> May 2015 DPP meeting and further clarified at the meeting by the Head of Legal Services and Chief Planning Officer (confirmed in the minutes)
  - There is considered to be no opportunity to review the Weetwood and Tingley sites at this very advanced stage without risk or delay. The Council would, in order to submit a sound plan, which is supported by effective and justified evidence, need to consider these sites alongside other sites within their respective HMCAs, including a further round of formal public consultation. This comparative assessment might also need to be undertaken for the remainder of the Plan area to ensure a consistent, credible and fair approach in the face of other requests to make changes at this late stage. To that end, and under such circumstances, the Council would not be able to maintain the above timetable for the Plan.
  - If the sites are removed at this stage without the justification above the Plan is likely to be subject to legal challenge.
  - Paragraph 3.1 above notes the need to progress the Site Allocations Plan (to Adoption) in order to meet national Government expectations and provide a secure Plan for housing delivery.
  - Paragraph 3.15 below notes the recent conclusions reached by the Secretary of State (through a succession of appeals), that Leeds does not have a 5 year housing land supply, is not considered to have a Plan

in place for housing delivery and that Policy N34 (safeguarded land) is out of date. The submission and adoption of a sound and up to date SAP, is the principle means of remedying this position and without a progressed Plan the Council faces further speculative and ad hoc pressure on sites, which have been previously discounted

- The preparation of the Plan has been a time consuming and resource intensive process, at a time of major budget cuts. Revisiting previous stages of this process is not cost effective. Further delay will lead to more costs and reputational damage alongside challenge.
- In Tingley (HG2-167 - 619 units), if the site is withdrawn, this will have a major impact on the housing targets for the Outer South West HMCA, which will need to be addressed, in order for the Plan to be considered sound. There are a number of discounted sites in this area and one such site, a large PAS site, not proposed for housing allocation in the SAP and immediately to the north of the Tingley site has been submitted as a planning application for the Council's consideration.

- 3.8 The continued inclusion or withdrawal of the sites from the Plan would not prevent discussion and consideration of the sites at the forthcoming independent examination. Retaining the sites in the Plan, will enable the Planning Inspector, following submission to take a view of the merits of the proposals for inclusion (the Inspector will have copies of all the representation which have been made). Any further changes to these sites/Modifications to the Plan – will need to be considered by Executive Board and subject to further public consultation.

#### Main Changes to the Publication Draft Plan

- 3.9 Main changes include detailed technical changes to sites e.g. site requirements, planning status, capacities and boundaries in response to representations received and updating, new and deleted sites. This includes: amendments as a result of updated flood risk data from the Environment Agency; revised Highway Network site requirements as result of updated transport modelling work and the deletion of the NGT public transport scheme; deletion of 3 sites affected by the proposed route of HS2 (announced 15<sup>th</sup> November 2016). Factual and consequential amendments as a result of the changes are also included, including revised tables quantifying the overall totals of land allocated for housing and employment. Some further changes to standardise grammar and format may be made, but these are not substantive, material changes.
- 3.10 Notwithstanding the stages of public consultation described above and the preparation of pre-submission changes, a number of matters raised by representors are outstanding and will therefore need to be addressed via the examination process. In line with the current approach of the Planning Inspectorate officers anticipate that there will be a need to establish Statements of Common Ground to clarify outstanding objections on a range of sites and matters. Recommendation viii allows for officers to progress such discussions in a timely manner and in discussion with the Executive Member leading up to the Examination.

- 3.11 The Submission Draft Site Allocations Plan comprises the Publication Draft Site Allocations Plan (September 2015) as amended by the Revised Publication Draft Plan for Outer North East (September 2016) and pre-submission changes arising (**Appendix 1**). For clarity these components have been combined into a draft consolidated Submission document at **Appendix 2**. The purpose of this is to show the pre-submission changes within the context of the whole Plan. At this final stage of preparation, the City Council will be inviting representations only on the pre submission changes to the Plan and representations on a part of the Plan, which is not subject of a pre-submission change, will be not duly made.

#### Key Matters for Examination

- 3.12 These include, challenges to the City Council's evidence base (such as the scope of the Green Belt Review) and objections to the inclusion of particular sites (by some local residents concerned about local impacts, or by landowners/developers who are promoting alternative sites). These matters and their merits will therefore need to be considered on an HMCA and site specific basis through the examination process.
- 3.13 Representations that the housing target is too high (the SAP makes provision for a housing allocation target of 66,000 dwellings across 11 Housing Market Characteristic Areas (HMCAs)) were also made. It is the role of the Core Strategy to set the overall scale and distribution of regeneration and growth across the District, with the SAP and the Aire Valley Leeds Area Action Plan (AVLAAP), identifying site specific allocations to deliver these strategic requirements. Given the scope of the SAP, it is not therefore possible to revisit strategic matters (such as the overall housing requirement), as part of the allocations Plan. As a consequence, such matters need to be addressed via a review of the Core Strategy and related evidence.

#### Core Strategy Review

- 3.14 In parallel to the progression of the SAP, Development Plan Panel on 22<sup>nd</sup> November 2016 considered the scope of a Selective Review of the Core Strategy. Members of Executive Board are also being asked to consider the Core Strategy Review process as a separate item. The Review is consistent with the approach of the plan-led system, to monitor the effectiveness of the Plan and the evidence base upon which it has been derived and will link with the SAP. In 153, the NPPF states that, "...each local planning authority should produce a Local Plan for its area. This can be reviewed in whole or in part to respond flexibly to changing circumstances". Central to the Council's considerations, have been revised population projections (which point to lower and slower population growth), since the Core Strategy has been prepared and the implications for these for the overall housing requirement. On this matter Government guidance states that national projections are the starting point for evidence on the identification of objectively assessed needs (OAN) and the focus of a review of these requirements needs to be via a Strategic Housing Market Assessment (SHMA). The purpose of this evidence in deriving OANs, is to take into account a wide range of economic and social factors, as well as demographic projections. At this stage, it is anticipated that

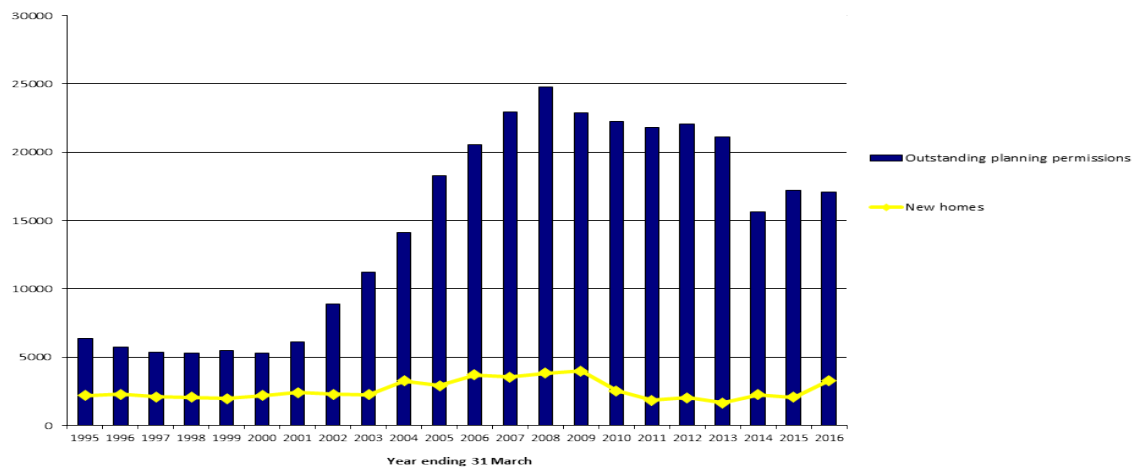


initial public consultation on the scope of the review will take place in spring 2017, with a view to the submission of the Plan for examination in winter 2017.

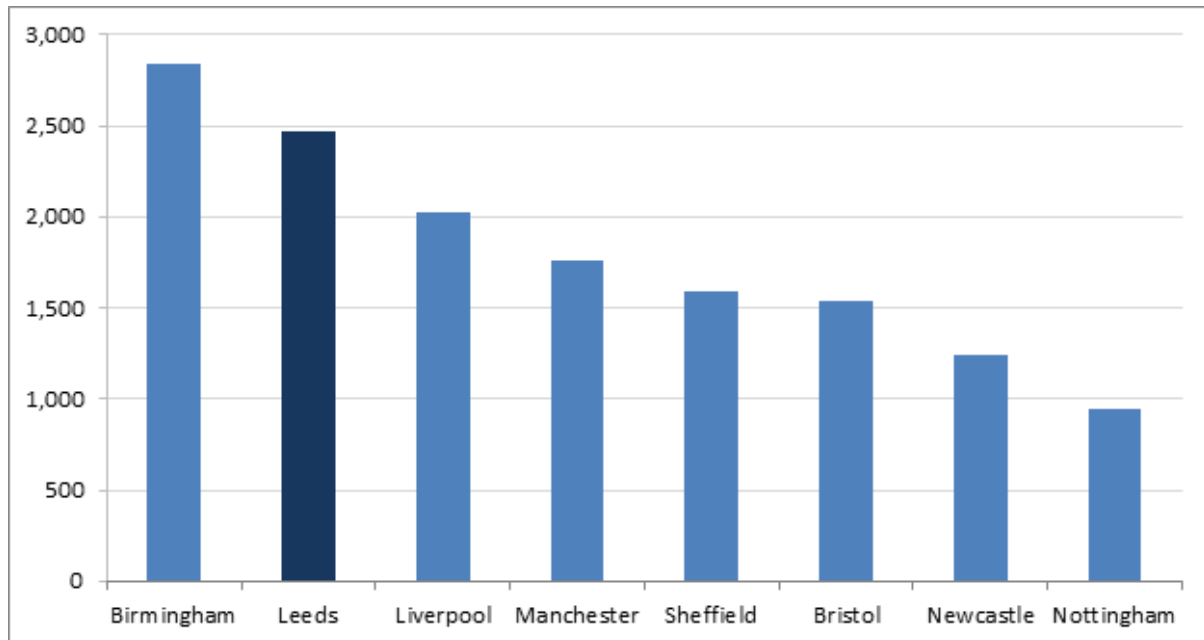
#### Five Year Housing Supply

- 3.15 Since 2012 housebuilding in Leeds has not met the Core Strategy requirement of 3,660 per annum and the Council has recently been adjudged (by the Secretary of State in his appeal decision on land at Grove Road, Boston Spa, May 2016 and decisions at Breary Lane, Bramhope, Leeds Road, Collingham and Bradford Road, East Ardsley on 23<sup>rd</sup> December 2016) not to have a five year housing land supply. This leaves the Council in a difficult position regarding pressure (via planning applications) for the development of sites on an ad hoc basis (including safeguarded land), to 'remedy' the five year land supply position. As part of a plan-led approach, the key means of strengthening the land supply position is to ensure that the District has up to date allocations plans in place. Within this context the AVLAAP was submitted for independent examination in September 2017 and as outlined above, the SAP is nearing submission. The urgency to have an Adopted Site Allocations Plan is now even greater given the Secretary of State's conclusions. It will be more difficult to resist speculative applications on sites which are not proposed for allocation until the Plan is progressed.
- 3.16 As described in the Housing Growth and High Standards in All Sectors Breakthrough Project Report (also included in this Executive Board Agenda), whilst the City Council has been found not currently to have a five year housing land supply, this does not reflect the position that for over 20 years the level of planning permissions granted has far exceeded the number of homes built (see figure 1 below). These currently total 16,441 units with an extant planning permission. The ratio of permissions to completions has expanded from 3:1 or less in the 1990s, to approximately 6:1 in 2008 and stands at 7:1 in 2016. The Council has approved an annual average of 5,561 new homes in each of the last three years, against an average build rate of 2,227 (40%) on these sites during the same period.
- 3.17 Consequently, through the Breakthrough Project, emphasis is being continually placed upon more effectively translating planning approvals into completions. As described in the Breakthrough Project Report, this includes a complementary range of initiatives, interventions and actions to improve the delivery of new homes. This includes the acceleration programme, new Affordable Homes and growth in Council Housing.

**Figure 1: Stocks of planning permissions and completions 1995-2016**



For comparison purposes figure 2 below shows the net additional dwellings (new builds and conversions) in all 8 of England's core cities in 2015/16 and shows that Leeds delivered the second highest performance in the year.



### Substantive Changes to the Site Allocations Plan at this stage

- 3.18 The Site Allocations Plan has been previously endorsed by Executive Board in July 2015 (and revised proposals for Outer NE in September 2016) as being a sound plan. 'Soundness' refers to whether the Plan has been positively prepared, is justified and will be effective and whether the Plan is

consistent with national policy. An independent Inspector will examine the Plan against these tests. Changes are therefore proposed in response to representations on issues of 'soundness' – the basis upon which the Plan will be examined in due course.

- 3.19 The advanced stage of preparation does not therefore provide the opportunity to make radical or substantial changes to proposed sites within Housing Market Characteristic Areas (HMCAs), unless those changes relate to specific issues of soundness.
- 3.20 DPP discussed the issue of a Core Strategy Review at its meeting of 19<sup>th</sup> May 2015, where it was agreed to endorse the maintenance of the Core Strategy housing requirement as a basis for the Leeds Site Allocations Plan and Aire Valley Leeds Area Action Plan and support a selective review of the Core Strategy within 3 years of its Adoption and following subsequent household projections. The issue was discussed at the DPP meeting of 22<sup>nd</sup> November 2016 and the targeted scope, commencement and timetable for a Core Strategy Selective Review was agreed. The minutes note that: *“As part of this it was emphasised that the submission of the Site Allocations Plan remains a priority for the City Council, to the agreed timetable, as a basis to meet housing land supply requirements. The Chief Planning Officer commented also that the commitment to the Core Strategy Review would not mean a concurrent review of the Site Allocations Plan and a removal of sites from the Plan at this stage. The outcomes of the Core Strategy Review process and supporting evidence would need to be considered in due course, including implications for the Plan-period. Panel agreed that the evidence for the Core Strategy Review should be available for the Site Allocations Plan Examination.”*
- 3.21 Plan-making is time consuming and the status of sites can change through the process. It was noted at DPP on 19th July 2016 (¶6.9 of the main report) that: *“As was explained at DPP on 28th June, identified sites have been updated to reflect planning permissions granted up to 5th April 2016. Clearly, the position with planning permissions is constantly changing as new planning permissions are granted. It is not practicable to continually update a strategic plan to reflect this. However, once the plan is submitted for examination, the Inspector will be informed of the current position with regards more recent planning permissions, which will count towards the overall target of 74,000 (gross). As detailed in paragraph 6.6 above, the presence of additional larger windfall land, which, on the basis of past trends, is likely to arise between this Panel meeting and the Submission of the Plan, will form part of the evidence for the effectiveness of the SAP as a whole.”*
- 3.22 It is acknowledged that there are a number of recent and potential forthcoming decisions of Protected Areas of Search, which have arisen via S78 planning appeals and may impact upon land supply in specific HMCAs. Officers are aware that some Members may see an opportunity to amend the Plan in light of recent appeals and proposals, as a basis to mitigate the local impact of housing proposals in their area. It is not considered timely to revise the Plan at this stage in an ad hoc manner; and to provide a consistent basis for review would incur further significant delay i.e. revised consultation. Such delay

would be counterproductive to achieving a robust 5 year housing land supply. It will only be when the Council is able to demonstrate a 5 year housing land supply that speculative proposals for sites that are not proposed for allocation in the Plan can be fully defended. It should also be noted that an issue raised as part of the recent appeal decisions was that the Secretary of State commented on the need to move the site allocations process forward.

- 3.23 It is also important to note that additional land supply arising from allowed appeals and current known windfall does not shift housing allocations in HMCAs into significant surplus (all HMCAs except City Centre and Inner are on or below their Core Strategy target). In addition, the Plan will be examined on its flexibility and Members should note that the Leeds Housing Consortium has made representation to the effect that the Council should be exceeding its planned targets (by at least 10%) to allow for contingency and flexibility.
- 3.24 There will be a need to make minor changes as the Plan progresses, both to site specifics and to the technical background papers e.g. the Environment Agency has recently released new flood risk maps, which have been reflected in the site requirements of sites, but remains to be written up as part of the background papers. To that end, recommendations vii and viii allow for a smooth and speedy process of Submission.

#### Background Technical Documents

- 3.24 In addition to pre-submission changes to the Site Allocations Plan itself, the 'plan-led' system must be underpinned by a robust evidence base, meet a series of legal requirements (including the preparation of a Sustainability Appraisal reflecting the requirements of the Directive and Regulations governing Strategic Environmental Assessment of plans and programmes, Habitats Regulation Screening Assessment and the Duty to Cooperate) and incorporate key stages of public consultation (referred to above). Consequently, the preparation of the SAP is underpinned by a comprehensive Sustainability Appraisal (appended to this report) and a series of Background Papers. In turn, these address a range of technical and evidential issues and provide further explanation and clarity on the approach taken and conclusions drawn. These include issues in relation to Housing including the Accommodation Needs of Gypsies and Travellers, Employment, Green Belt Review, managing Flood Risk, Nature Conservation, the Duty to Co-operate, Retail and Infrastructure.
- 3.25 These documents have been updated to reflect proposed changes outlined in this report and are available for members of the Executive Board.

#### Process at Examination

- 3.26 The Inspector, in examining the Plan and in light of representation made, may conclude that "modifications" are required to make it sound and capable of adoption. Any "main modifications" made in relation to soundness will in almost all cases need to be the subject of further consultation. It is accordingly proposed that Council agrees to give the Inspector authority under section 20(7C) of the Planning and Compulsory Purchase Act 2004 to make

modifications to the Plan, to ensure that modification, if required, can be made to make it sound.

- 3.27 Members should note the following hearing sessions such modifications will need to be subject to Executive Board approval, prior to further public consultation. To ensure that the Examination process runs smoothly and in a timely manner a level of delegation to the Chief Planning Officer, in consultation with the Executive Member, is necessary and appropriate to be responsive to matters raised by the Inspector. To that end, Members are asked to approve recommendation vii. This is the approach which has been endorsed previously by Executive Board in relation to previous Examinations under the current Local Plan Regulations.

#### Submission Draft Plan Key Headlines

- 3.28 The key headlines of the Site Allocations Plan are summarised in **Tables 1 to 4** below. These in turn identify any differences between quantum previously agreed by Executive Board and the current position. It should be noted however that these changes do not amend the overall scale and distribution of growth previously agreed, but are a consequence of responding to issues arising through the consultation process (regarding matters of soundness).
- 3.29 Executive Board is asked to recommend approval for a Submission Draft Plan that is considered to be sound within the terms of the National Planning Policy Framework and in meeting the targets and requirements set out in the Adopted Core Strategy for housing and employment. With regard to Gypsy and Traveller allocations, the Core Strategy requirement of 62 pitches is not met. However, through the preparation of the Site Allocations Plan every effort has been made to meet this requirement and identify suitable sites. For any shortfall, the Core Strategy includes a criteria based approach to consider applications for sites on their merits. Within this context it should be noted that the Council has made provision for 23 Council-run pitches (falling 2 pitches short of Core Strategy indications of need). Overall this approach demonstrates the Council's continuing positive efforts to address this aspect of the Plan in meeting national requirements within the context of local circumstances.

**Table 1: Housing Distribution by Housing Market Characteristic Areas (HMCAs)**

| HMCA   | Target | Publication Draft Plan figure (identified and new allocations) | +/- target | Post publication Draft Plan figure (identified and new allocations) | +/- target    | Difference between Pub Draft & now (housing numbers) |
|--|--------|--|------------|---|---------------|--|
| 1.Aireborough                                  | 2,300  | 2,231 (967 + 1264)   | -69        | 2014 (965 + 1049)   | <b>-286</b>   | -217   |
| 2.City Centre                                  | 10,200 | 11306 (5710 + 5596)  | +1106      | 11909 (5264 +6645 incl Aire Valley)                                 | <b>+1709</b>  | +603   |
| 3.East   | 11,400 | 10351 (6133 + 4218)  | -1049      | 9686 (6133 +3553 incl Aire Valley)                                  | <b>-1714</b>  | -665   |
| 4.Inner  | 10,000 | 11800 (7317 + 4483)  | +1800      | 13042 (8970 + 4072 incl Aire Valley)                                | <b>+3042</b>  | +1242  |
| 5.North  | 6,000  | 5888 (4033 +1855)  | -112       | 5958 (4126 + 1832)  | <b>-42</b>    | +70  |
| 6.Outer North East (Revised Publication Draft) | 5,000  | 5007 (1491 + 3516)   | +7         | 5000 (1482 + 3518)  | <b>0</b>      | -7   |
| 7.Outer North West                             | 2,000  | 1779 (1145 + 634)  | -221       | 1755 (1146 + 609)   | <b>-245</b>   | -24  |
| 8.Outer South                                  | 2,600  | 2366 (586 + 1780)  | -234       | 2434 (618 + 1816)   | <b>-166</b>   | +68  |
| 9.Outer South East                             | 4,600  | 4080 (1302 + 2778)   | -520       | 4378 (1352 + 3026)  | <b>-222</b>   | +298   |
| 10.Outer South West                            | 7,200  | 6777 (2265 + 4512)   | -423       | 6969 (2648 + 4321)  | <b>-231</b>   | +192   |
| 11.Outer West                                  | 4,700  | 4635 (2535 + 2100)   | -65        | 4672 (2670 + 2002)  | <b>-28</b>    | +37  |
| Overall figures                                | 66,000 | 66,180 (33523 + 32657)   | 180        | 67,817 (35,374 + 32,443)  | <b>+1,817</b> | +1597  |

**Table 2: The Distribution of Safeguarded Land designations across Leeds**

| <b>HMCA</b>      | <b>Total capacity of Safeguarded Land sites</b> | <b>% of HMCA target as PAS</b> | <b>% of 6,600 total PAS target</b> |
|------------------|---|--------------------------------|------------------------------------|
| Aireborough      | 360   | 16                             | 5                                  |
| City Centre      | 0   | 0                              | 0                                  |
| East Leeds       | 0   | 0                              | 0                                  |
| Inner Area       | 0   | 0                              | 0                                  |
| North Leeds      | 0   | 0                              | 0                                  |
| Outer North East | 1,359   | 27                             | 21                                 |
| Outer North West | 540   | 27                             | 8                                  |
| Outer South      | 220   | 8                              | 3                                  |
| Outer South East | 1,616   | 35                             | 24                                 |
| Outer South West | 1,753   | 24                             | 27                                 |
| Outer West       | 915   | 19                             | 14                                 |
| <b>Total</b>     | <b>6,763</b>                                    | <b>-</b>                       | <b>-</b>                           |

**Table 3: Offices (including office content of mixed use) sqm floorspace**

| HMCA                   | Publication Plan  |                        |                  | Post Publication Draft |                        |                  |
|------------------------|-------------------|------------------------|------------------|------------------------|------------------------|------------------|
|                        | Identified office | New office allocations | Total            | Identified office      | New office allocations | Total            |
| AVLAAP                 | 64,640            | 157,225                | 221,865          | 70,833                 | 157,225                | 228,058          |
| 1.Aireborough          | 3,510             | 0                      | 3,510            | 6,074                  | 0                      | 6,074            |
| 2. City Centre         | 400,176           | 105,356*               | 505,532          | 387,508                | 117,283                | 504,791          |
| 3.East                 | 93,285            | 0                      | 93,285           | 93,285                 | 0                      | 93,285           |
| 4.Inner                | 73,435            | 66,370                 | 139,805          | 74,185                 | 66,370                 | 140,555          |
| 5.North                | 52,937            | 7,000                  | 59,937           | 52,937                 | 7,000                  | 59,937           |
| 6.Outer North East     | 579               | 0                      | 579              | 1,629                  | 0                      | 1,629            |
| 7.Outer North West     | 604               | 0                      | 604              | 604                    | 0                      | 604              |
| 8.Outer South          | 0                 | 0                      | 0                | 0                      | 0                      | 0                |
| 9.Outer South East     | 18,100            | 0                      | 18,100           | 8,810                  | 0                      | 8,810            |
| 10.Outer South West    | 19,316            | 0                      | 19,316           | 18,840                 | 0                      | 18,840           |
| 11.Outer West          | 5,000             | 0                      | 5,000            | 5,000                  | 0                      | 5,000            |
| <b>Overall figures</b> | <b>731,582</b>    | <b>335,951</b>         | <b>1,067,533</b> | <b>719,705</b>         | <b>347,878</b>         | <b>1,067,583</b> |



**Table 4: General Employment (including employment content of mixed use) hectares**

| HMCA                   | Publication Plan |  |               | Post Publication Draft |                                |               |
|------------------------|------------------|--|---------------|------------------------|--------------------------------|---------------|
|                        | Identified Sites | New Allocations                                    | Total         | Identified Sites       | New Allocations                | Total         |
| AVLAAP                 | 169.02           | 17.68 (plus 41.28 from NRWDPD; plus 4.30 from P&R) | <b>232.28</b> | 178.16                 | 10.04 (plus 42.62 from NRWDPD) | <b>230.82</b> |
| 1.Aireborough          | 23.25            | 36.63  | 59.88         | 25.94                  | 36.23                          | 62.17         |
| 2. City Centre         | 0.98             | 0.16   | 1.14          | 0.68                   | 3.26                           | 3.94          |
| 3.East                 | 4.66             | 0  | 4.66          | 3.71                   | 13.43                          | 17.14         |
| 4.Inner                | 15.10            | 9.27   | 24.37         | 3.8                    | 14.39                          | 18.19         |
| 5.North                | 1.23             | 0  | 1.23          | 0.95                   | 0                              | 0.95          |
| 6.Outer North East     | 19.92            | 7.00   | 26.92         | 21.55                  | 5                              | 26.55         |
| 7.Outer North West     | 5.29             | 1.01   | 6.3           | 5.29                   | 1.01                           | 6.3           |
| 8.Outer South          | 0                | 0  | 0             | 0                      | 0                              | 0             |
| 9.Outer South East     | 33.84            | 0  | 33.84         | 27.1                   | 0                              | 27.1          |
| 10.Outer South West    | 30.11            | 63.02  | 93.13         | 27.45                  | 65.82                          | 93.27         |
| 11.Outer West          | 2.92             | 7.48   | 10.39         | 2.92                   | 3.75                           | 6.67          |
| <b>Overall figures</b> | <b>306.32</b>    | <b>187.83</b>                                      | <b>494.15</b> | <b>297.66</b>          | <b>195.55</b>                  | <b>493.12</b> |

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 The SAP has been subjected to three statutory stages of public consultation exercises as part of its preparation and as required by the Regulations. In addition it is also planned to advertise (for public comment) pre-submission changes for public comment, prior to Plan submission. As highlighted in ¶3.2 above, at Publication stage, the SAP has generated a considerable level of response (around 49,000 individual representations for the Publication Draft and Revised Publication Draft for Outer NE combined). A high level of response is not unexpected and reflects the level of engagement in the plan-making process in Leeds and the potential site specific implications for local residents, developers and other stakeholders. It should be noted also, that whilst 49,000 individual representations were received a significant number of these were in relation to sites in particular Housing Market Characteristic Areas of Leeds, with major parts of the District (including the HMCAs for the City Centre and Inner) receiving relatively few representations in relation to the scale of development proposed.
- 4.1.2 The SAP has been undertaken in accordance with the Council's Statement of Community Involvement. In capturing the consultation activity, at each consultation stage and the nature and level of response received, a Report of Consultation will be required for submission of the Plan. This in turn will be tested by an independent examiner to ensure that the Plan is legally compliant. The Report of Consultation is available for Members of the Executive Board to view. This will be further updated following the advertisement of pre-submission changes and submitted to the Inspector.
- 4.1.3 The SAP has also been subject of consideration through the legal process of Duty to Cooperate which is set out in detail in the Duty to Cooperate Background Paper.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 In the preparation of the SAP, due regard has been given to Equality, Diversity, Cohesion and Integration (EDCI) issues. This has included the completion of EDCI Screening (attached as Appendix 4) of the SAP and meeting the requirements of the Strategic Environmental Assessment Directive, which has meant that the Plan is subject to the preparation of a Sustainability Appraisal. The purpose of such Appraisals is to assess (and where appropriate strengthen) the document's policies, in relation to a series of social (and health), environmental and economic objectives. As part of this process, issues of Equality, Diversity, Cohesion and Integration, are embedded as part of the Appraisal's objectives. The SAP material follows on and reflects the approach set out in the Core Strategy, which has also had the same regard to these issues. Nevertheless, an EDCI Screening has been undertaken on the Publication Draft of the SAP. This has been updated in the light of further changes to the Plan but has not resulted in any material change to the EDCI Screening conclusion.

#### **4.3 Council Policies and Best Council Plan**

- 4.3.1 The SAP plays a key strategic role in taking forward the spatial and land use elements of the Vision for Leeds and the aspiration to be 'the best city in the UK'. Related to this overarching approach and in addressing a range of social, environmental and economic objectives, this Plan seeks to implement key City Council priorities. These include the Best Council Plan (2015-20) (in particular priorities relating to 'Supporting economic growth and access to economic opportunities', 'Providing enough homes of a high standard in all sectors', 'Promoting physical activity' and 'Enhancing the quality of our public realm and green spaces' and Breakthrough Projects including 'Housing growth and high standards in all sectors' and 'More jobs, better jobs', and Leeds Joint Health and Wellbeing Strategy (2013-2015, currently being updated).

#### **4.4 Resources and value for money**

- 4.4.1 The SAP is being prepared within the context of the Regulations, statutory requirements and within existing resources. The preparation of statutory Development Plan Documents or the Local Plan is a necessary but a very resource intensive process. This is due to the time and cost of document preparation (relating to public consultation and engagement), the preparation and monitoring of an extensive evidence base, legal advice and Independent Examination. These challenges are compounded currently by the financial constraints upon the public sector and resourcing levels, concurrent with new technical and planning policy pressures arising from more recent legislation (including the Community Infrastructure Levy and Localism Act). There are considerable demands for officers, members and the community in taking the Development Plan process forward.
- 4.4.2 For the Local Development Framework ('Local Plan') to be as up to date as possible, the Council now needs to produce the SAP as quickly as practicable, following the adoption of its Core Strategy. This is now crucially important, given the Government's statement for the need for local plans to be in place by 2017, with the threat of direct intervention if not. The SAP will provide value for money in that the Council will influence and direct where development goes. Without an up to date plan the 'presumption in favour of sustainable development' by the Government means that any development in conformity with national policy will be acceptable, regardless of any previous positions of the authority, which could have implications in terms of resources and value for money.

#### **4.5 Legal Implications, Access to Information and Call In**

- 4.5.1 The SAP follows the statutory Development Plan process (Local Development Framework). The preparation of the Development Plan forms part of the Council's Budget and Policy Framework. The Plan has been considered by Scrutiny Board on 21<sup>st</sup> December, who Recommended to Executive Board, that, 'they should consider the deliberations and conclusions of the (Scrutiny) Board'. A copy of the Scrutiny Board Report is attached as Appendix 5. The final decision as to whether to submit the SAP to the Secretary of State for

independent examination is being referred to Council. Within this context, this report is not eligible for Call In.

#### **4.6 Risk Management**

- 4.6.1 Without current allocations Plans for Leeds MD in place, aspects of the existing UDP allocations will become out of date and will not reflect or deliver the Core Strategy Policies and proposals (including District wide requirements for Housing and General Employment Land) or the requirements of national planning guidance. Early delivery is therefore essential to enable the Council to demonstrate that sufficient land will be available when needed to meet the Core Strategy targets. Without an up to date plan the 'presumption in favour of sustainable development' by the Government means that any development or Neighbourhood Plan in conformity with national policy will be acceptable, regardless of any previous positions of the authority. The further the Plan progresses through the plan making process, the more material weight can be given to it when assessing planning applications. In addition, the Government has stated that they will intervene, unless Plans are in place by 2017.
- 4.6.2 The SAP is being prepared in accordance with the Regulations so as to ensure legal compliance. Policies in the Plan are founded on a robust and credible evidence base, are in line with the Core Strategy and NPPF and have been justified by reference to consultation responses.
- 4.6.3 Late changes to the Plan at this advanced stage have a risk of delay. There are therefore risks of critical deadlines not being met, prolonged exposure to speculative housing applications challenging the Council's 5 year housing land supply position and risk of unplanned and unco-ordinated development without a plan in place resulting in difficulties to co-ordinate and align investment decisions for infrastructure. There is also a lack of certainty and clarity for communities and investment decisions contrary to Best Council Plan objectives. These risks are particularly pertinent in relation to the main issues summarised in paragraph 3.7 and 3.16 to 3.21.

#### **5 Conclusions**

- 5.1 Following a substantial period of plan preparation, sustainability appraisal and public consultation in accordance with the Local Plan Regulations, the City Council is intending to advertise pre-submission changes to the Site Allocations Plan for further comment between February and March 2017 and to then submit a Submission Draft Site Allocations Plan, which includes responses to these pre-submission changes, to the Secretary of State for independent examination.
- 5.2 The preparation of the Site Allocation Plan to this advanced stage has been a resource intensive and challenging process for a wide range of stakeholders including the City Council, communities, statutory bodies, investors and infrastructure providers. The level of representations received reflects the significance of the Plan in a District the size and complexity of Leeds and the level of public and member engagement undertaken. In line with the ambition for a compassionate City, in helping to facilitate the on-going regeneration and

managed growth of the District, the Plan is a key and positive step in providing a framework for the homes and jobs that are needed and a basis upon which to help guide infrastructure provision and investment decisions. Without such a Plan in place, the District will be exposed to potentially unplanned and ad hoc development, contrary to the longer term aims of the sustainable development of Leeds and its many communities.

- 5.3 Officers note that there are several contextual issues which relate to the SAP e.g. the Core Strategy Review and the outcomes of not having a 5 year housing land supply in place. An up to date position on such matters and their implications for the SAP will be submitted to the Inspector at submission and at Examination.

## **6 Recommendations**

- 6.1 Executive Board is invited to:

- i) Consider the request from Development Plan Panel (10<sup>th</sup> January 2017) that Executive Board receive further information on two housing allocations at Weetwood (HG2-49) and Tingley (HG2-169) in light of the recent withdrawal by the Cricket and Rugby Clubs of their planning applications for housing development at Weetwood; and determine whether both or either of these sites be removed from the Submission Draft Plan, having considered the implications and risks of removing the sites at this stage with any necessary changes to the Pre-Submission Changes made.
- ii) Approve and recommend that Council approves the pre-submission changes to the Publication Draft Site Allocations Plan as set out in **Appendix 1**
- iii) Approve and recommend that Council approves the Submission Draft of the Site Allocations Plan (comprising the Publication Draft Plan, the Revised Publication Draft Plan for the Outer North East and the Pre-Submission Changes – together known as the “Submission Draft Plan”) for Submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004 as amended
- iv) Approve and recommend that Council approves the Sustainability Appraisal Report (**Appendix 3**), in support of the Plan, for Submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004 as amended
- v) Recommend that Council grant authority to the independent inspector appointed to hold the Public Examination to make modifications to the Submission Draft Plan pursuant to Section 20 (7C) of the Planning and Compulsory Purchase Act 2004 as amended

- vi) Agree that a further period of advertisement on the pre-submission changes to the Publication Draft Site Allocations Plan is provided, and that any further comments received are submitted to the Secretary of State at the time the Submission Draft Plan is submitted for independent examination.
- vii) Agree and recommend that Council delegate authority to the Chief Planning Officer, in consultation with the Executive Member, to make any factual and other minor changes to the pre-submission changes prior to advertisement.
- viii) Delegate authority to the Chief Planning Officer, in consultation with the Executive Member, to a) approve the detail of any further technical documents and supporting evidence required to be submitted alongside the plan for consideration at Public Examination, b) continue discussions with key parties and suggest to the Inspector any edits and consequential changes necessary to Plan following Council approval up and during the Examination and c) prepare and give evidence in support of the Plan at Examination.

## **7 Appendices**

Appendix 1: List of pre-submission changes for advertisement

Appendix 2: Composite Site Allocations Plan

Appendix 3: Sustainability Appraisal

Appendix 4: Equality, Diversity, Cohesion and Integration screening (EDCI)

Appendix 5: Scrutiny Board (city Development) – Statement for Executive Board 8 February 2017

## **8 Background documents<sup>1</sup>**

- *Submission Draft Background Paper: Employment (2017)*
- *Submission Draft Background Paper: Green space (2017)*
- *Submission Draft Background Paper: Housing (2017)*
- *Submission Draft Background Paper: Retail (2017)*
- *Submission Draft Background Paper: Nature Conservation (2017)*
- *Submission Draft Background Paper: Green Belt Review (2017)*
- *Submission Draft Background Paper: Infrastructure (2017)*
- *Submission Draft Background Paper: Flood Risk Sequential Test (2017)*
- *Submission Draft Background Paper: Duty to Co-operate (2017)*
- *Submission Draft Background Paper: Heritage (2017)*
  
- *Habitats Regulation Assessment Screening (2017)*
- *Site Assessments*
- *Report of Consultation (2017)*

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<sup>1</sup> The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works. Where updates have been made to the background papers these are presented as Addendums to the original Publication Draft (2015) version.